

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FELIX ALVAREZ	:	CIVIL ACTION
	:	
v.	:	
	:	
FACILITY MANAGER T. FERGUSON,	:	
MAJOR CLARK, UNIT MANAGER	:	
MRENVICH, CHIEF GRIEVANCE	:	
OFFICER KERRI MOORE, Individually	:	
Individually and in Their Official	:	
Capacities, and CO/JOHN DOE	:	NO. 20-2577

**ORDER**

**NOW**, this 9th day of February, 2021, upon consideration of plaintiff's motion to proceed *in forma pauperis* (Document No. 1), his inmate account statement, and his Complaint, it is **ORDERED** as follows:

1. Pursuant to 28 U.S.C. § 1915, plaintiff's motion to proceed *in forma pauperis* is **GRANTED**.

2. Pursuant to 28 U.S.C. § 1915(b), plaintiff, **Felix Alvarez, # LQ-9060**, shall pay the filing fee of \$350.00 in installments regardless of the outcome of this case.<sup>1</sup>

3. The Superintendent or other appropriate official at SCI-Phoenix is directed to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Alvarez's inmate account; or (b) the average monthly balance in Alvarez's inmate account for the six-month period immediately preceding the filing of this case and forward the initial payment assessed, with a reference to **Civil Action No. 20-2577**, to the Clerk of Court at the following address:

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<sup>1</sup> Plaintiff is advised that he will be obligated to pay the filing fee in installments even if his case is dismissed. In other words, if his case is dismissed, payment installments will continue to be deducted from his inmate account until the fee is paid in full.

Clerk of the United States District Court  
for the Eastern District of Pennsylvania  
Room 2609  
601 Market Street  
Philadelphia, Pennsylvania 19106

4. The Superintendent or other appropriate official at SCI-Phoenix shall, after the initial partial filing fee is paid and until the balance of the filing fee is paid in full, deduct from Alvarez's account, each time his inmate account exceeds \$10.00, an amount no greater than 20 percent (20%) of the money credited to his account during the preceding month and forward that amount, with a reference to **Civil Action No. 20-2577**, to the Clerk of Court at the above address.

5. The complaint is deemed filed.

6. The Complaint is **DISMISSED WITH PREJUDICE** as to defendants Facility Manager T. Ferguson, Major Clark, and Chief Grievance Officer Kerri Moore.

7. The Complaint is **DISMISSED WITH PREJUDICE** against Unit Manager Mrenevich and Correctional Officer John Doe in their official capacities only.

8. The Clerk of Court shall issue a Summons for defendant Unit Manager Mrenevich and forward it, together with a copy of the Complaint, to the U. S. Marshals Service for service upon the defendant.

9. Service shall be made upon Correctional Officer John Doe if and when plaintiff provides sufficient identifying information to allow for service.

10. The Clerk of Court shall forward to plaintiff a USM-285 form for defendant Unit Manager Mrenevich.

11. Plaintiff shall complete a USM-285 form for the defendant and return it to the U.S. Marshals Service, Rm. 2110 U.S. Courthouse, 601 Market Street, Philadelphia,

PA 19106 no later than **February 22, 2021** so that the Marshals Service may serve the defendant.

12. Failure to complete and return the USM-285 form by **February 22, 2021** may result in dismissal of this case.

13. Upon receipt of the plaintiff's completed USM-285 form, the U.S. Marshals Service shall serve the Summons and Complaint upon defendant Unit Manager Mrenevich at no cost to the plaintiff.

14. In the event a Summons is returned unexecuted, it is the plaintiff's responsibility to request that the Clerk of Court issue an alias summons and to provide the Clerk with the defendant's correct address so service can be made.

15. All original pleadings and other papers submitted for consideration to the Court must be filed with the Clerk of Court.

16. Copies of papers filed must be served by mail upon counsel for all other parties and any party acting *pro se*.

17. Any party serving pleadings shall attach a certificate of service to the original pleading, showing the date and manner of service.<sup>2</sup>

18. Any request for court action shall be set forth in a motion filed with the Clerk of Court and served in conformity with the Federal Rules of Civil Procedure and this Court's local rules.

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<sup>2</sup> An example of a certificate of service by mail follows:

"I, (name), do hereby certify that a true and correct copy of the foregoing (name of pleading or other paper) has been served upon (name(s) of person(s) served) by placing the same in the U.S. mail, properly addressed, this (day) of (month), (year).

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(Signature)"

19. Plaintiff is directed to comply with Local Civil Rule 7.1 by serving and filing a proper response to all motions within fourteen (14) days. Failure to do so may result in dismissal of this action.

20. Plaintiff is also directed to comply with Local Rule 26.1(f) which provides that “[n]o motion or other application pursuant to the Federal Rules of Civil Procedure governing discovery or pursuant to this rule shall be made unless it contains a certification of counsel that the parties, after reasonable effort, are unable to resolve the dispute,” by contacting defendant’s counsel directly by telephone or through correspondence.

21. No direct communication shall take place with the United States District Judge or the United States Magistrate Judge with regard to this case. All relevant information and papers are to be directed to the Clerk of Court.

22. The parties shall notify the Clerk’s Office when there is a change of address.

23. Failure to update a party’s address will not excuse that party’s failure to respond to a motion or other pleading and will result in the Court treating the motion or pleading as uncontested.

24. The Clerk of Court is directed to provide a copy of this Order to the Superintendent of SCI-Phoenix and to the plaintiff.

25. If plaintiff fails to comply with this Order, his case will be dismissed.

/s/ TIMOTHY J. SAVAGE J.